

FILED

JUN 20 2023

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

Gerald L. Whitley Jr.
Appellant,
vs.
Eighth Judicial District Court,
Respondent.

Supreme Court No. 86185

District Court No. A-22-861330-W

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, *see* NRAP 28(k), with the Nevada Supreme Court on or before the due date, *see* NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK
Informal Brief Form October 2017

23-19518

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
11-10-22	Writ of Habeas Corpus (Post conviction)
4-21-23	District Court Denied

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 2-28-2023

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

Counsel for Petitioner during trial Phase was ineffective when Counsel did not suppress Officers Perjured Declaration to obtain a search warrant to abstract Blood sample. Also saying that there was a victim involved with great bodily harm or death, which by law is illegal, a Category C felony. Depriving

The Petitioner to invoke any affirmative defense that infringes upon the procedural safeguards afforded on collateral review forcing its citizens to provide anything of internal and later be relied upon in a criminal proceeding, to imprison on forced taken incriminating evidence. Also the Petitioner reminds the reviewing court, the sentencing court did not possess three finalized affirmed convictions. The court must in good faith include in the information a description of each prior conviction that is as complete and accurate as possible. Also a prior felony based on a guilty plea may not be used for enhancement. Looking over PSI does not show 3 finalized convictions.

Petitioner also believes he was retaliated against when the Judge stated "Because you went to trial costing the court money you'll receive more time. Refusing an opportunity for Program when Petitioner Pleaded he wanted help.

Here what's presently before this court counsel for the petitioner did not concern herself with any strategies, objections or laws that provided the petitioner procedural safeguards that ensured the Petitioner would receive a direct appeal after May 26th 2022 Sentencing. Nor any strategies for trial. Very much

ineffective. Counsel was told prior to the court imposing sentencing counsel was required to examine the conviction it would rely upon while fairly claiming jurisdiction upon enhancing Driving and/or Being in Actual Physical Control of a Motor Vehicle while under the influence. Officers must be accountable for their actions as well.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

An error occurred when there was not 3 prior convictions on PSI from the 7 years. Also, Officer committed Perjury in order to get a search warrant to get Blood, which is a Category C felony. Counsel did not object to any of these issues which makes her ineffective. What I would like to happen is Credit for time served treating it as a 2nd DUI, or dismissed.

The most a 2nd DUI carry is 1 year
in county.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Lined area for text entry.

DATED this 4th day of June, 2023.

Gerald Whatley
Signature of Appellant

GERALD Whatley
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Attorney for Appellant
Gerald Lee Whatley Jr. #48057
Proper Person
P.O. Box 208
Indian Springs, NV 89070

Attorney for Respondent
Steven. Wolfson
District Attorney
200 Lewis Ave
Las Vegas, NV 89155-2212

DATED this 4th day of June, 2023.

Gerald Whatley
Signature of Appellant

Gerald Whatley
Print Name of Appellant

P.O. Box 208
Address

Indian Springs, NV 89070
City/State/Zip

Telephone